THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 23886 of 2007

Date:13-11-2007

Between:

Y.Uma Sankar and another

…Petitioner

AND

The Tahsildar, Shamshabad

..
Respondent

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondent in issuing Memo No.A/136/2007, as illegal, arbitrary and against the provisions of the A.P. Survey and Boundaries Act, 1923 and consequently direct the respondent to conduct survey of their lands to an extent of Ac.4.10 guntas situated at Poshettiguda village, Shamshabad mandal, Ranga Reddy District.

It is the case of the petitioners that the first petitioner purchased land an extent of Ac.3.00 guntas in Sy.No.6/E situated at Poshettiguda village, Shamshabad mandal, Ranga Reddy District by registered sale deed, dated 13.12.2005 and the second petitioner individually purchased an extent of Ac.1.10 guntas in the same survey number and the total extent of land of both the petitioners put together comes to Ac.4.10 guntas. It is stated that both the petitioners have applied for demarcation of their lands on 16.06.2007. But, the said request of the petitioners has been rejected on the ground that the total extent of the land in Sy.No.6 is Ac.10.30 guntas and the sub-divided field measurements are not available for part of the survey number and therefore, the survey cannot be conducted.

That being so, I am of the opinion that the only course left open for the petitioners is to file an appeal against the said impugned memo issued by the respondent before the Prescribed Officer concerned under Section 11 of the A.P. Survey and Boundaries Act, 1923.

Accordingly, the writ petition is disposed of permitting the petitioners to avail the remedy of appeal under Section 11 of the A.P. Survey and Boundaries Act, 1923. No costs.

V.ESWARAIAH, J.

Date:13.11.2007
ccm